

**BOARD OF OPTOMETRY
FULL BOARD MEETING
MARCH 2, 2018**

TIME AND PLACE: The Board of Optometry (Board) meeting was called to order at 9:00 a.m. at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 3, Henrico, Virginia 23233.

PRESIDING OFFICER: Steven A. Linas, O.D., Chair

MEMBERS PRESENT: Devon Cabot, Citizen Member
Helene Clayton-Jeter, O.D.
Fred E. Goldberg, O.D.
Clifford A. Roffis, O.D.
Lisa Wallace-Davis, O.D.

MEMBERS NOT PRESENT: All members were present.

STAFF PRESENT: David E. Brown, D.C., Director
Barbara Allison-Bryan, M.D., Chief Deputy Director
Lisa R. Hahn, MPA, Chief Operating Officer
Leslie L. Knachel, Executive Director
Charis Mitchell, Assistant Attorney General, Board Counsel
Amanda E. M. Blount, Deputy Executive Director
Elaine Yeatts, Senior Policy Analyst
Carol Stamey, Operations Manager
Diane Powers, Director of Communications

OTHERS PRESENT: Bruce Keeney, Virginia Optometric Association
Mark Hickman, Commonwealth Strategy Group/VA Society of Eye Physicians and Surgeons

QUORUM: With six members of the Board present, a quorum was established.

ORDERING OF AGENDA No changes or additions were made to the agenda.

PUBLIC COMMENT: No public comment was presented.

APPROVAL OF MINUTES: Dr. Goldberg moved to approve the meeting minutes for the following meetings as presented:

DIRECTOR'S REPORT:

- August 15, 2017, Full Board Meeting;
- August 15, 2017, Formal Hearing;
- October 19, 2017, Formal Hearing;
- October 19, 2017; Special Session – Telephone Conference Call; and
- November 3, 2017, Board Meeting – Consideration of a Consent Order.

The motion was seconded and carried.

DIRECTOR'S REPORT: Dr. Brown reported on the following items:

- Recent gubernatorial appointments;
- Introduction of Dr. Allison-Bryan, Chief Deputy Director; and

- Announcement of Lisa Hahn as the new agency Chief Operating Officer.

Ms. Hahn reported on the agency's upcoming relocation of its business operations and customer service to the first floor of the building.

LEGISLATIVE/REGULATORY UPDATE:

2018 Legislative Update

Ms. Yeatts presented an overview of the 2018 legislative session. Additionally, she presented a handout of SB 511, Optometry Scope of Practice, (§54.1-3221 and §54.1-3222 of the *Code of Virginia*) reflecting revised language. Ms. Yeatts further reported that the board would need to develop a certification form that provides written evidence of completion of a didactic and clinical training course in therapeutic pharmaceutical agents by injection for the treatment of chalazia.

2019 Legislative Proposals (review 2018 proposal)

Ms. Yeatts requested that the board consider resubmission of its 2018 legislative request to amend §54.1-3200 et seq. of the *Code of Virginia* during the 2019 legislative session.

Dr. Clayton-Jeter moved to resubmit the 2018 legislative request for amendment of §54.1-3200 et seq. to the 2019 legislative session.

The motion was seconded and carried.

Update on Proposed Regulations

Ms. Yeatts reported that the proposed regulations for periodic review were at the Secretary's Office for review.

Prescribing Opioids – Adopt proposed regulations (action item)

Ms. Yeatts reported that there were no public comments on the Notice of Intended Regulatory Action (NOIRA) related to replacement of the emergency regulations for prescribing opioids. She indicated that unless the Board had any recommended changes, the emergency regulations could adopted as the proposed regulations.

Dr. Goldberg moved to adopt the emergency regulations on prescribing opioids as the proposed regulations.

The motion was seconded and carried.

Petitions for Rulemaking

- **Request for Inactive License (action item)**

Ms. Yeatts explained that the Petition for Rulemaking contained two requests: 1) add inactive licensure status and 2) activation of an inactive license at no cost for military personnel or a spouse of military personnel. She reported that the inactive renewal fees for the other boards are usually half the price of the active renewal fees. To reactive a license, the license would be required to pay the difference between the active and inactive fee and submission of continued competency.

Dr. Clayton-Jeter moved to amend the regulations to include an inactive licensure status and to deny the request for a no cost

reactivation fee for military personnel and spouses, as that is not the policy for any other board.

The motion was seconded and carried.

Ms. Yeatts noted the process for amending the regulations would begin with a NOIRA.

- **Request to Approve National Glaucoma Society as CE Provider (action item)**

Ms. Yeatts indicated that the petitioner was requesting that the National Glaucoma Society be added to the regulations as an approved sponsor of CE programs.

Dr. Goldberg moved to amend the regulations by fast track to include the provider as an approved CE sponsor. The motion was seconded.

The Board began discussion of the issued and went into closed session to consult and seek legal advice from board counsel.

CLOSED SESSION:

Ms. Cabot moved that the Board recess Open Session and convene in Closed Session pursuant to §2.2-3711(A)(8) of the Code of Virginia (Code) for consultation with and the provision of legal advice by the Assistant Attorney General in the matter of a Petition for Rulemaking. Additionally, it was moved that Ms. Knachel, Ms. Mitchell and Ms. Stamey attend the closed session because their presence in the closed meeting was deemed necessary and would aid the full board in its deliberations.

The motion was seconded and carried.

OPEN SESSION:

Ms. Cabot moved to certify that the Board heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened.

The motion was seconded and carried.

Board actions:

A motion was on the floor to amend the regulations by fast track to add the sponsor as a CE provider to the list of approved CE sponsors.

The Board voted and the motion failed due to no yay votes.

Ms. Cabot moved to take no action on the petition at this time and a review the regulations related to the listed of approved CE

providers was warranted before any additions or subtractions are made to the list.

The motion was seconded and carried.

Revenue, Expenditures and Case Balance Analysis – Consideration of change of renewal date and/or renewal fee decrease (action item)

Ms. Yeatts reported to the Board that a biennial analysis of the Board's revenues and expenditures revealed the need for a fee reduction. She stated that the Board required a 50% fee reduction for 2018 and additionally that staff was simultaneously requesting a change to the renewal month.

Ms. Knachel explained that the current expiration date of December 31 is difficult because of state holiday schedules, mailing issues due to holiday mail, and staff resource issues.

The Board discussed the expiration date of March 31 for all future expiration dates.

Dr. Clayton-Jeter moved to approve a one-time fee reduction for the 2018 renewal expiration date and change the renewal date to March 31st beginning in 2020.

The motion was seconded and carried.

DISCUSSION ITEMS:

Update on continuing education audit

Ms. Knachel informed the Board that the CE audit letters would be going out shortly.

Presentation on New DHP Logo

Ms. Powers reported that a team made up of DHP employees, VCU design team and board members had been tasked with designing a new agency logo to increase and strengthen visibility. Ms. Powers presented the new agency logo for the Board's review and comment.

ARBO 2018 Annual Meeting – Denver, CO

Ms. Knachel reported that the ARBO annual meeting was scheduled for June 17-19, 2018, in Colorado and that four board members had requested to attend. Ms. Knachel also informed the Board that Natalie Unmussig would be handling all logistics for travel.

Ms. Knachel reported that ARBO had established a Founder's Scholarship in honor of John D. Robinson, O.D. of North Carolina. She requested board member nominations by March 9, 2018.

BOARD COUNSEL REPORT:

Ms. Mitchell noted that there was no report to present.

PRESIDENT'S REPORT:

Dr. Linas thanked the board members for their participation in board activities.

Dr. Linas reported on the activities of the OE Tracker meeting held January 2018, in Charlotte. Additionally, he requested that the topic of "OE Tracker" be added to the Board's next agenda.

**BOARD OF HEALTH
PROFESSION'S REPORT:**

Dr. Clayton-Jeter reported on the Board of Health Professions activities and board member appointments.

STAFF REPORTS:

Executive Director's Report – Ms. Knachel

Ms. Knachel referred the Board to the licensure statistics.

Discipline Report and Training – Ms. Blount

Ms. Blount provided an overview of the caseload statistics. Additionally, Ms. Blount informed the board that a training session on “Probable Cause” review and the disciplinary process would be conducted at the next board meeting.

NEW BUSINESS:

No new business was presented.

NEW MEETING:

The next scheduled full board meeting is July 13, 2018.

ADJOURNMENT:

The meeting adjourned at 11:50 a.m.

Steven A. Linas, O.D.
Chair

Leslie L. Knachel, M.P.H.
Executive Director